

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YINTAO YU,
Plaintiff,

v.

BYTEDANCE INC., *et al.*,
Defendants.

Case No. [23-cv-04910-SI](#)

**ORDER RE: RECENT FILINGS AND
NOVEMBER 20, 2024 EVIDENTIARY
HEARING**

The parties have filed numerous documents in the last several days. The Court has reviewed them all, including the entirety of the voluminous exhibits filed by both parties. Based upon the record in this case, including the recent filings, and also because the parties have not reached a settlement, the Court concludes that the evidentiary hearing shall proceed on November 20, 2024 at 10 a.m. The Court has reserved from 10 a.m. until 4 p.m. for an in-person evidentiary hearing. The Court will recess from 4 p.m. until 6 p.m., at which time the Court will hear remote testimony from Haiyi Bao via zoom. If necessary, the Court will hear testimony on November 21 beginning at 10 a.m., until all witnesses have testified.

The Court determines that no argument on the sanctions motion is necessary, except that the Court directs plaintiffs' counsel to be prepared to address what they knew and when regarding the "anonymous declarant." In addition, plaintiffs' counsel shall be prepared to address ByteDance's assertion that Yu committed perjury in his April 26, 2024 declaration to this Court when he stated that he was unavailable for an in-person deposition in San Francisco in May of this year because he needed to help his pregnant wife. *See* Dkt. No. 228 at 9 n.3; *see also* Dkt. No. 74 at 4-5; Dkt. No. 74-2.

As per the Court's October 29, 2024 order, the Court expects to hear in-person testimony

1 from the following witnesses: (1) Yintao Yu; (2) Linlin Fan; (3) Nancy Weng of Farsad Law; (4)
2 Melissa Kendra (limited to testimony about contact with Haiyi Bao); (5) David Lowe of the Rudy
3 Exelrod firm; and (6) any other witnesses the parties wish to call regarding the anonymous
4 declaration/Haiyi Bao and/or Yu's testimony at his deposition regarding the bankruptcy petition.

5 After the conclusion of the evidentiary hearing, the Court will determine what further
6 proceedings are necessary, including whether there is a need for further briefing on plaintiff's
7 recently-filed motion to dismiss.

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9 **IT IS SO ORDERED.**

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11 Dated: November 18, 2024



SUSAN ILLSTON
United States District Judge